

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 03-00579 HG
)	
Plaintiff,)	DECLARATION OF RACHEL S.
)	MORIYAMA
vs.)	
)	
BETTY YI HERNANDEZ,)	
a.k.a. "Suki,")	
)	
Defendant.)	
)	
_____)	

DECLARATION OF RACHEL S. MORIYAMA

I, RACHEL S. MORIYAMA, hereby state:

1. I am an Assistant U.S. Attorney for the District of Hawaii and I am responsible for representing Plaintiff United States of America in this action.

2. On August 2, 2006, this Court entered a Preliminary Order Of Forfeiture As to Certain Substitute Property Of Defendant Betty Yi Hernandez, which forfeited all of Defendant Betty Yi Hernandez's right, title, and interest in the following property, pursuant to Fed. R. Crim. P. 32.2(e) and 21 U.S.C. § 853(p):

\$50,000 in United States currency seized from the Chief Clerk's Office for the First Circuit Court, State of Hawaii, on March 31, 2004.

(hereinafter referred to as the "Substitute Property").

3. The Preliminary Order Of Forfeiture As to Certain Substitute Property Of Defendant Betty Yi Hernandez also directed

the United States to publish notice of the Preliminary Order Of Forfeiture As to Certain Substitute Property Of Defendant Betty Yi Hernandez, in accordance with 21 U.S.C. § 853(n), to inform all third parties of the right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the Substitute Property.

4. On September 27, 2006, October 4, 2006, and October 11, 2006, the United States published notice of the Preliminary Order Of Forfeiture As To Certain Substitute Property Of Defendant Betty Yi Hernandez in the Honolulu Star-Bulletin. A true and correct copy of the Affidavit of Publication is attached hereto as Exhibit "A".

5. Pursuant to 21 U.S.C. § 853(n)(2), any interested third person was required to petition the Court, within thirty (30) days of the final publication of notice, to adjudicate the validity of his alleged interest in the Substitute Property. The last day for filing a petition was November 9, 2006.

6. As of the date of this declaration, no petitions or claims have been received or filed.

7. As set out above, Defendant Betty Yi Hernandez's interest in the Substitute Property already has been forfeited, pursuant to this Court's Preliminary Order Of Forfeiture As To Certain Substitute Property Of Defendant Betty Yi Hernandez, and no third-party petitions have been received or filed.

Accordingly, the Final Order Of Forfeiture As To Certain Substitute Property Of Defendant Betty Yi Hernandez, which was lodged contemporaneously with this motion, should be entered.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 28th date of November, at Honolulu, Hawaii.

/s/ Rachel S. Moriyama

RACHEL S. MORIYAMA